UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 W. JACKSON BLVD
CHICAGO, IL 60604

FEB 25 2011

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for Approval and Funding for a Time-Critical Removal Action at the Multi-Service Site, Dayton, Montgomery County, Ohio (Site ID # C508)

FROM: Steve Renninger, OSC
Emergency Response Branch 1

THRU: Jason H. El-Zein, Chief
Emergency Response Branch 1

TO: Richard C. Karl, Director
Superfund Division

I. PURPOSE

The purpose of this memorandum is to request and document your approval for the United States Environmental Protection Agency (U.S. EPA) to expend up to $1,678,871 to conduct a time-critical removal action at the Multi-Service Site (the Site) in Dayton, Montgomery County, Ohio

The response actions proposed herein are necessary in order to mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous substances at the Site, an abandoned former industrial dry cleaning facility. The presence of hazardous substances existing at the Site has been documented, including flammable, corrosive and toxic waste streams.

The time-critical removal action proposed herein will mitigate the threats by properly identifying, consolidating, packaging, and ultimately removing and disposing off-site the abandoned hazardous substances, pollutants and contaminants at a CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440). Additional Site activities will include Site security, perimeter air monitoring, trench and pit decontamination, and pumping out liquids and sludge in tanks, some of which may need to be dismantled and removed to complete the removal action.

This response action will be conducted in accordance with Section 104(a)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA), 42 U.S.C. § 9604(a)(1), and 40 C.F.R. § 300.415 (*Removal action*) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) to abate or eliminate the immediate threats posed to public health and/or the environment.

The uncontrolled conditions of the hazardous substances present at the Site require that this action be classified as a time-critical removal action. The project will require approximately 60 working days to complete.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID: OHN000510544
Category: Time-Critical Removal Action

The Multi-Service facility operated as an industrial laundry and dry cleaning facility from the mid-1990s to March 2010 and laundered industrial work gloves, rags, ink towels and shop towels. The dry cleaning process used a solvent known as 360 Solvent with a flash point of 105 degrees Fahrenheit (°F). The Site is currently vacant and abandoned.

A. Site Conditions and Background

1. Removal Site Evaluation

a) Site Background

The Multi-Service facility operated from the mid-1990s to March 2010 and laundered industrial work gloves, rags, ink towels and shop towels. The dry cleaning process used a perchloroethylene (PCE)-based solvent known as 360 Solvent with a flash point of 105 °F. The dry cleaning machines are located in close proximity to each other. Each dry cleaning machine and distillation unit is mounted over a containment trench in the facility floor. The trenches are designed to containerize 110% of the total solvent content of all machines mounted over the trench. A drain at the low point of each trench directs any spills to the sump pit located in the Tank Room. The Tank Room serves as the waste accumulation area for dry cleaning and is located in the southeast corner of the facility. Several tanks located in the Tank Room were used for the storage and recovery of the dry cleaning solvents. Potential air emissions of the solvent vapors were minimized by using Hoyt Petromizer solvent recovery machines and a carbon adsorption unit on the solvent tank ventilation stacks.

All regular laundry wash water was sent to an on-site wastewater treatment unit. The wastewater treatment unit generated an ignitable (D001) hazardous waste sludge. The hazardous waste sludge is currently stored in a 6,300-gallon storage tank located outside of the facility. Used oil, generated from the materials prior to laundering, is stored in an on-site 3,800-gallon storage tank located in the Tank Room.

The abandoned Site includes eight tanks; two sump pits; approximately 50 drums, totes and containers (having volumes of 5-gallons or less); a dry cleaning line; a regular laundry cleaning line; and one 27,589 square-foot (SF) building (Figure A-3). One small structure, located just inside the gate on the west side of the property, is open on the two sides and was used for storage of rags in containers and totes. In addition, there are numerous box trucks and trailers on Site, some of which hold containers of dirty rags.

All utilities have been shut off to the Site. A fence extends from the sides of the building in the front, along the property edge on the east and west sides, and ends in the woods to the south of the building. Access is available through the woods. According to Ohio EPA, the building has been vandalized in the past.

b) Site Background - Ohio EPA

In 2002 Multi-Service was having ongoing discharge violations to the City of Dayton's sanitary sewer. In 2003, 2004, and 2005, the Southern Ohio Environmental Crimes Task Force covertly sampled Multi-Service's discharge, determining that Multi-Service was discharging flammable liquids to the sewer. The Task Force also uncovered additional hazardous waste violations during the investigation. As a result of the investigation, in August 2006, Multi-Service and Mel Tatman (owner for the Multi-Service facility) pled guilty to felony and misdemeanor charges related to their discharges to the sewer and transportation of hazardous waste. Multi-Service was fined $20,000 and placed on two years probation. Mel Tatman was sentenced to two years probation with the first six months in home confinement, fined $5,000 and ordered to serve 100 hours of community service.

In May 2009, based on Ohio EPA's Division of Surface Water's concerns regarding waste management at the Site, the Ohio EPA's Division of Hazardous Waste Management (DHWM) conducted a compliance assistance inspection. At the time, Multi-Service was not exceeding the 90-day storage limit for the hazardous waste stored in totes. Subsequent hazardous waste inspections were conducted on June 4 and 15, 2009. From these inspections it was determined that Multi-Service was exceeding the 90-day storage limit for hazardous waste (Ohio EPA, June 2009).

Additional inspections revealed Multi-Service was also exceeding the 90-day storage limit for hazardous waste stored in the 6,300-gallon tank located outside of the facility. The outside hazardous waste tank does not have proper secondary containment. Access is limited to the tank because of the design of the containment wall. Waste in the tank hardens in colder weather making removal difficult. The tank has not been cleaned out since 2008 (Ohio EPA, July 2009).

Throughout 2009 and 2010, Multi-Service continued to violate the 90-day storage limit for hazardous waste. Ohio EPA DHWM referred Multi-Service for enforcement in October 2009 (Ohio EPA, October 2009). Ohio EPA Director's Draft Findings and Orders were sent to Multi-Service in February 2010.

During the January 12 and 21, 2010, inspections DHWM observed the same leaking hazardous waste drum documented in earlier inspections. The drum was eventually corrected during the January 27, 2010, inspection. During the April 7, 21, and May 5, 2010, inspections another drum was observed leaking, with no corrective actions taken until the drum was shipped off Site on May 28, 2010.

Crown Solutions operated Multi-Service's waste water treatment unit. Crown Solutions met with Mel Tatman on March 5, 2010. During the meeting Mr. Tatman informed Crown Solutions (Crown) that Multi-Service was filing for bankruptcy. Crown subsequently contacted Ohio EPA to explain that Crown no longer operated the waste water treatment unit at Multi-Service and was discontinuing its business with Multi-Service. According to Crown, Multi-Service attempted to operate the waste water treatment unit on its own the previous week and had caused a pipe to break spilling waste onto the floor around the equalization tanks. This prompted Crown on March 9, 2010, to remove equipment from the waste water treatment unit to prevent the unit from being operated. The City of Dayton rescinded Multi-Service's discharge permit on March 15, 2010 (Ohio EPA, March 2010).

Due to inaction by the facility and rumors of bankruptcy, Ohio EPA referred Multi-Service to the Attorney General's Office for enforcement (Ohio Attorney General, April 2010). On April 16, 2010, the Attorney General's Office met with Multi-Service in an attempt to obtain compliance. During the meeting, Mel Tatman provided financial information for Multi-Service detailing the expenses owed by Multi-Service.

On April 20, 2010, Multi-Service hired Mike's Sanitation to pump off waste from the waste water treatment unit and associated tanks. On April 22, 2010, Ohio EPA sampled wastes from the Equalization Tanks (#1 and #2), the Chemical Mixing Tank, the wastewater treatment floor pit, and the waste water treatment unit. Samples from the Equalization Tank #2, the Chemical Mixing Tank and the floor pit documented tank contents as ignitable hazardous waste (137°F, 132°F, and 131°F, respectively). In addition, the liquid sample from the Chemical Mixing Tank documented Toxicity Characteristic Leaching Procedure (TCLP) PCE at a concentration of 30 milligrams per liter (mg/L), which exceeds the TCLP PCE regulatory limit of 0.7 mg/L, thus verifying it as a toxic waste (Ohio EPA, April 2010).

On May 26, 27, and 28, 2010, Clean Harbors transported forty-nine (49) totes and twenty-two (22) drums off Site for disposal. Ohio EPA records indicated that no additional waste had been transported off Site since the May 2010, shipment.

JP Morgan Chase initiated foreclosure against Multi-Service in April 2010, but to date had not finalized the foreclosure action. In August 2010, Mel Tatman filed for personal bankruptcy.

The Ohio EPA accompanied the Dayton Fire Department (DFD) on an inspection of Multi-Service on November 23, 2010. The DFD was concerned with the storage of

flammable materials and no operational fire suppression system (Ohio EPA, November 2010).

In a letter dated January 24, 2011, Ohio EPA formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Ohio EPA, January 2011). According to Ohio EPA, since cessation of operations in March 2010, all on-site tanks are now considered waste tanks. The tanks associated with the solvent recovery process (located in the Tank Room) contain dirty solvent, presumed to be ignitable. One of those tanks has leaked with solvent waste approximately two inches deep in the tank room. Three tanks associated with the wastewater treatment unit contain ignitable waste.

c) Site Background - Dayton Fire Department

On November 24, 2010, the DFD issued a Notice of Violation to Mel Tatman and Multi-Service ordering the removal of all flammable and combustible materials (Dayton Fire Department, November 2010).

On December 14, 2010, the DFD met with Mel Tatman to verify the fire suppression system was properly shut down. The DFD gave Mel Tatman 90 days to develop an action plan for the removal of the materials from the Site. During the inspection, the DFD observed additional liquid leaking from a solvent tank in the Tank Room.

In a letter dated January 7, 2011, the DFD formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Dayton Fire Department, January 2011).

2. Physical Location

The Multi-Service Site is located at 1962 Radio Road in Dayton, Montgomery County, Ohio 45431 (Figure A-1). The geographical coordinates for the Site are 39° 46' 18.336" North latitude and 84° 7' 45.984" West longitude. The Site is located on 7.121 acres within an industrial park in northeastern Dayton. The Site is a former industrial laundry and dry cleaning facility and is bordered to the north and east by Five Rivers Metro Parks' bike path; to the south by a wooded property; and to the west by an open lot used by a tree service company for wood storage (Figure A-2). The closest residential homes are located 300 feet to the south and 400 feet to the north.

The area surrounding the Multi-Service Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The Multi-Service Site is in a census tract with a score of 4 (Attachment III). Therefore, Region 5 does not consider this Site to be a high-priority potential EJ area of concern. Please refer to the attached analysis for additional information.

3. Site Characteristics

On January 25, 2011, the OSC tasked U.S. EPA's Superfund Technical Assessment and Response Team (START) contractor to meet with representatives from Ohio EPA, DFD and the former owner of the Multi-Service facility to conduct a Site walkthrough to assess Site conditions and gather general information to prepare a Site investigation safety plan. The walkthrough confirmed Site conditions documented by previous Ohio EPA assessments.

On January 27, 2011, the OSC and the START contractor performed a Site Assessment (Weston Solutions, 2011). Activities performed during the Site Assessment included:

- Documenting Site conditions;
- Conducting air monitoring;
- Collecting samples from tanks, totes, drums, pits and small containers; and
- Submitting the samples for commercial laboratory analysis.

During the assessment, eight tanks, two pits and approximately 50 drums, totes and small containers (5-gallons or less) were documented on Site. Numerous dry cleaning machines (with solvent recovery tanks) and distillation units were also observed to be mounted over a containment trench in the facility floor. The contents within the trench appeared to be black sludge.

Many of the drums, totes and containers could not be identified by labels. However, several drums, totes and containers were labeled as containing sodium hydroxide, stoddard solvent, citric acid, and flammable liquid. Several were noted to be leaking and most were observed to be in poor condition. Approximately two inches of solvent/water mixture was noted on the tank room floor indicating that waste solvent tanks were leaking.

Field screening and pH testing of drums, totes and containers indicated that many of the materials met the RCRA criteria for characteristic hazardous waste including ignitability and corrosivity.

U.S. EPA collected the following samples during its Site Assessment: two liquid tank samples; two liquid samples from 250-gallon totes, a combination of four liquid and solid samples from small containers; a liquid sample from the wastewater treatment pit, two liquid samples from square containers (solvent recovery tanks) adjacent to the dry cleaning machines; and a composite sample of the black sludge observed in the dry cleaning trenches. The samples were submitted for commercial laboratory analysis. Analytical results from the U.S. EPA Site Assessment documented toxic, ignitable and corrosive hazardous substances are present on Site. These included hazardous substances such as PCE. Table B-1 summarizes the U.S. EPA Site Assessment sampling results.

4. Release or threatened release into the environment of a hazardous substance, or pollutant or contaminant

A threat of release of hazardous substances, pollutants, or contaminants is present at the Site due to the presence of flammable and toxic solvents in tanks and containers and corrosives in drums and containers.

U.S. EPA documented the presence of hazardous substances during its Site Assessment activities conducted on January 27, 2011. The U.S. EPA Site Assessment Report, including analytical data, is included in the Administrative Record for the Site.

5. NPL status

The Site is not on the National Priorities List (NPL).

6. Maps, pictures and other graphic representations

Figure A-1 Site Location Map, Figure A-2 Site Layout Map, Figure A-3 Site Features Map, Figure A-4 Photos, and Attachment 1 - Environmental Justice (EJ) analysis are included as attachments.

B. Other Actions to Date

1. Previous actions

Previous actions by Ohio EPA and the DFD have been documented in the Background section (Section II. A. 2).

2. Current actions

The Site has been documented to contain toxic, ignitable and corrosive waste in tanks, drums, totes and other containers. The Site is currently vacant, and the possibility exists that illegal trespassing could occur which may result in a potential exposure to public health or welfare or the environment.

C. State and Local Authorities' Roles

In a letter dated January 24, 2011, the Ohio EPA formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Ohio EPA, January 2011). According to Ohio EPA, since cessation of operations in March 2010, all on-site tanks are now considered waste tanks. The tanks associated with the solvent recovery process (located in the Tank Room) contain dirty solvent, presumed to be ignitable. One of those tanks has leaked and may still be leaking. Three tanks associated with the wastewater treatment unit contain ignitable waste.

In a letter dated January 7, 2011, the DFD formally requested assistance from U.S. EPA to determine if the Site meets the criteria for a time-critical removal action (Dayton Fire Department, January 2011).

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Multi-Service Site present a threat to the public health or welfare, and the environment, and meet the criteria for a time-critical removal action as provided for in the NCP, 40 C.F.R. § 300.415(b)(2). These criteria include, but are not limited to, the following:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;

During the January 27, 2011, U.S. EPA Site Investigation, the U.S. EPA documented abandoned chemical waste including tanks, totes, and containers containing flammable liquid; drums and containers containing caustic and corrosive waste; and a tank containing TCLP PCE waste liquid at the Multi-Service Site.

Analytical results from samples MS-1, MS-2, MS-4, MS-7 and MS-12 documented liquid having flash points less than or equal to 140°F, which verifies the characteristic of a hazardous waste for ignitability (D001), according to the Resource Conservation and Recovery Act (RCRA). In addition, on April 22, 2010, Ohio EPA documented the liquid contents in Equalization Tank #2 and the wastewater treatment sump pit having a flash point of 137°F and 131°F, respectively, which verifies the characteristic of a hazardous waste for ignitability (D001).

Analytical results from drum sample MS-10 documented liquid having a pH of 13 standard units. Analytical results from bag sample MS-11 documented a solid having a pH of 1.6 standard units. Analytical results from drum sample MS-10 indicates a pH level greater than 12.5 standard units, and analytical results from solid sample MS-11 indicates a pH level less than 2.0 standard units. Both results, according to 40 C.F.R 261.22, verify the characteristic of a hazardous waste for corrosivity (D002).

Drums and tanks were noted to be in a deteriorated condition with waste spilled on the floor in many locations, including adjacent to the floor drains. Analytical results from Chemical Mixing Tank sample MS-7 documented a TCLP PCE concentration of 53 mg/L. On April 22, 2010, Ohio EPA sampled the Chemical Mixing Tank and documented a TCLP PCE concentration of 30 mg/L. The analytical results from U.S. EPA and Ohio EPA's sampling indicate a TCLP PCE concentration greater than the TCLP PCE regulatory level of 0.7 mg/L, which, according to 40 C.F.R 261.24, verifies the characteristic of a hazardous waste for toxicity (D004). PCE is "hazardous Substance" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

Waste documented in tanks, drums, totes, containers and pits include flammable, corrosive and toxic hazardous wastes.

Commercial businesses are located within 500 feet of the Site and residential locations are located within 300 feet of the Site. The Site is currently locked and partially fenced. Even with the restricted access onto the Site, trespassing may still occur and an accidental or intentional release of hazardous material and contact with hazardous materials is possible. The close proximity of residential areas and commercial businesses immediately adjacent to the Site would greatly increase the likelihood of human health and environmental impacts should such an occurrence take place. The tanks and drums of material are located inside the building with little to no secondary containment. The sump pit in the Tank Room is full and overflowing due to a leaking waste solvent tank. Potential exposure could occur through each of these migration pathways and cause imminent endangerment to human health and the environment.

Toxicological effects of PCE have been studied by the Agency for Toxic Substances and Disease Registry (ATSDR) and/or U.S. EPA. Toxicological information is provided below and referenced in the Administrative Record (Attachment II).

Tetrachloroethylene (also known as perchloroethylene and PCE) - High concentrations of PCE (particularly in closed, poorly-ventilated areas) can cause dizziness, headache, sleepiness, confusion, nausea, difficulty in speaking and walking, unconsciousness, and death. Irritation may result from repeated or extended skin contact with it. The Department of Health and Human Services (DHHS) has determined that PCE may reasonably be anticipated to be a carcinogen. PCE has been shown to cause liver tumors in mice and kidney tumors in male rats (ATSDR, September 1997).

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that may pose a threat of release;

During the U. S. EPA Site Investigation, the OSC observed and documented the presence of eight tanks, two pits and approximately 50 drums, totes and small containers (5-gallons or less) on Site. U.S. EPA samples confirmed the presence of flammable, corrosive, and toxic (TCLP PCE) hazardous waste at the Multi-Service Site. Analytical results are provided in Table B-1. Numerous tanks, drums, totes and containers were uncovered and deteriorating, with contents spilled onto the floor. The sump pit in the Tank Room is full and overflowing due to a leaking waste solvent tank. Continued deterioration of the containers on Site may allow additional quantities of hazardous substances to migrate into the environment.

Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Southwestern Ohio receives a substantial amount of precipitation during spring, and winter temperatures are normally below freezing with regular snowfall. Weather conditions will contribute to the further deterioration of the building. The building is abandoned and the electricity service has been turned off. There is nothing to prevent freezing and thawing of the contents in the tanks, drums, totes and containers.

Threat of fire or explosion;

Analytical results from the U. S. EPA Site Assessment documented that material in tanks, totes and pits were flammable wastes and posed a threat of fire or explosion. U.S. EPA documented five samples and Ohio EPA documented three samples having flashpoint results at or below 140 °F, which is the criteria for ignitibility for a RCRA characteristic waste. As such, these materials represent a threat of fire or explosion.

The availability of other appropriate Federal or state response mechanisms to respond to the release;

Ohio EPA does not have the resources to respond to this Site. In a letter dated January 24, 2011, Ohio EPA formally requested assistance from U.S. EPA to determine if the Multi-Service Site met the criteria for a time-critical removal action (Ohio EPA, January 2011).

IV. ENDANGERMENT DETERMINATION

Given the Site conditions, the nature of the known and suspected hazardous substances on Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from this Site, if not addressed by implementing the response actions selected in this Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.

V. PROPOSED ACTIONS AND ESTIMATED COSTS

A. Proposed Actions

1. Proposed action description

The response actions described in this memorandum directly address actual or potential releases of hazardous substances on Site, which may pose an imminent and substantial endangerment to public health, or welfare, or the environment. Removal activities on Site will include:

1. Develop and implement a Site-specific Health and Safety Plan, including an Air Monitoring Plan, a Site Emergency Contingency Plan and a Site Security Plan;

2. Inventory and perform hazard characterization on all substances contained in tanks, totes, drums, containers and tanks;

3. Consolidate and package all hazardous substances, pollutants and contaminants for transportation and off-site disposal;

4. Dismantle, decontaminate and remove process equipment, tanks and building components associated with the product process area, as necessary;

5. Transport and dispose of all characterized or identified hazardous substances, pollutants, wastes, or contaminants to a RCRA/CERCLA-approved disposal facility in accordance with U.S. EPA's Off-Site Rule (40 C.F.R. § 300.440).

6. Take any other response actions to address any release or threatened release of a hazardous substance, pollutant or contaminant that the EPA OSC determines may pose an imminent and substantial endangerment to the public health or the environment.

The removal action will be conducted in a manner not inconsistent with the National Contingency Plan (NCP). The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP.

Off-Site Rule

All hazardous substances, pollutants, or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 C.F.R. § 300.440.

2. Contribution to remedial performance:

The proposed action will not impede future actions based on available information. At this time it is not known if long-term remedial actions will be needed for the Site.

3. Engineering Evaluation/Cost Analysis (EE/CA)

Not Applicable

4. Applicable or relevant and appropriate requirements (ARARs)

All applicable and relevant and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. The OSC sent a letter dated February 7, 2011, to Cathy Altman, Ohio EPA Southwest District Office, requesting state ARARs for the Multi-Service Site. Any state ARARs identified in a timely manner will be complied with to the extent practicable.

All hazardous substances, pollutants or contaminants removed off Site pursuant to this removal action for treatment, storage and disposal shall be treated, stored, or disposed at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 C.F.R. § 300.440.

5. Project Schedule

The removal activities are expected to take 60 on-site working days to complete.

Estimated Costs

The detailed cleanup contractor cost is presented in Attachment I and the Independent Government Cost Estimate is presented in Attachment IV. Estimated project costs are summarized below:

Regional Removal Allowance Costs	
Total Cleanup Contractor Costs (Includes a 20% contingency)	$1,393,888
Other Extramural Costs Not Funded from the Regional Allowance	
Total START, including multiplier costs	$66,000
Subtotal, Extramural Costs	$1,459,888
Extramural Costs Contingency (15% of Subtotal, Extramural Costs)	$218,983
TOTAL REMOVAL ACTION PROJECT CEILING	$1,678,871

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the Site which may pose an imminent and substantial endangerment to public health and safety and the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Given the Site conditions, the nature of the hazardous substances and pollutants or contaminants documented on Site, and the potential exposure pathways to nearby populations described in Section II, III, IV, and V above, actual or threatened releases of hazardous substances and pollutants or contaminants from this Site, if not addressed by implementing or delaying the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment, increasing the potential that hazardous substances will be released, thereby threatening the adjacent population and the environment.

VII. OUTSTANDING POLICY ISSUES

None.

VIII. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this Site is contained in the Enforcement Confidential Addendum.

The total U.S. EPA costs for this removal action based on full-cost accounting practices that will be eligible for cost recovery are estimated to be $2,878,428.[1]

($1,678,871 + $89,640) + (62.76% x $1,768,511) = $2,878,428

IX. RECOMMENDATION

This decision document represents the selected removal action for the Multi-Service Site, located in Dayton, Montgomery County, Ohio, developed in accordance with CERCLA, as amended, and is not inconsistent with the NCP. This decision is based upon the Administrative Record for the Site. Conditions at the Site meet the NCP Section 300.415(b) criteria for a removal, and I recommend your approval of the proposed removal action.

The total removal action project ceiling, if approved, will be $1,678,871. Of this, as much as $1,612,871 comes from the Regional removal allowance.

APPROVE _____ DATE: 2/10/11
Director, Superfund Division

DISAPPROVE _____ DATE: _____
Director, Superfund Division

[1] Direct Costs include direct extramural costs and direct intramural costs. Indirect costs are calculated based on an estimated indirect cost rate expressed as a percentage of site-specific direct costs, consistent with the full cost accounting methodology effective October 2, 2000. These estimates do not include pre-judgment interest, do not take into account other enforcement costs, including Department of Justice costs, and may be adjusted during the course of a removal action. The estimates are for illustrative purposes only and their use is not intended to create any rights for responsible parties. Neither the lack of a total cost estimate nor deviation of actual total costs from this estimate will affect the United States' right to cost recovery.

Enforcement Addendum

Figures:

- A-1 Site Location Map
- A-2 Site Layout Map
- A-3 Site Features Map
- A-4 Photographic Documentation

Tables:

- B-1 Laboratory Analytical Results

Attachments:

- I. Detailed Cleanup Contractor Cost Estimate
- II. Administrative Record Index
- III. Region V EJ Analysis
- IV. Independent Government Cost Estimate

cc: D. Chung, U.S. EPA 5202G
M. Chezik, U.S. Department of Interior, **w/o Enf. Attachment**
(email: michael_chezik@ios.doi.gov)
Scott Nally, Director, Ohio EPA, **w/o Enf. Addendum**
(email: Scott.Nally@epa.state.oh.us)
Mike DeWine, Ohio Attorney General, **w/o Enf. Addendum**
(email: Mike.DeWine@ohioattorneygeneral.gov)

ENFORCEMENT CONFIDENTIAL ADDENDUM

MULTI-SERVICE SITE
DAYTON, MONTGOMERY COUNTY, OHIO

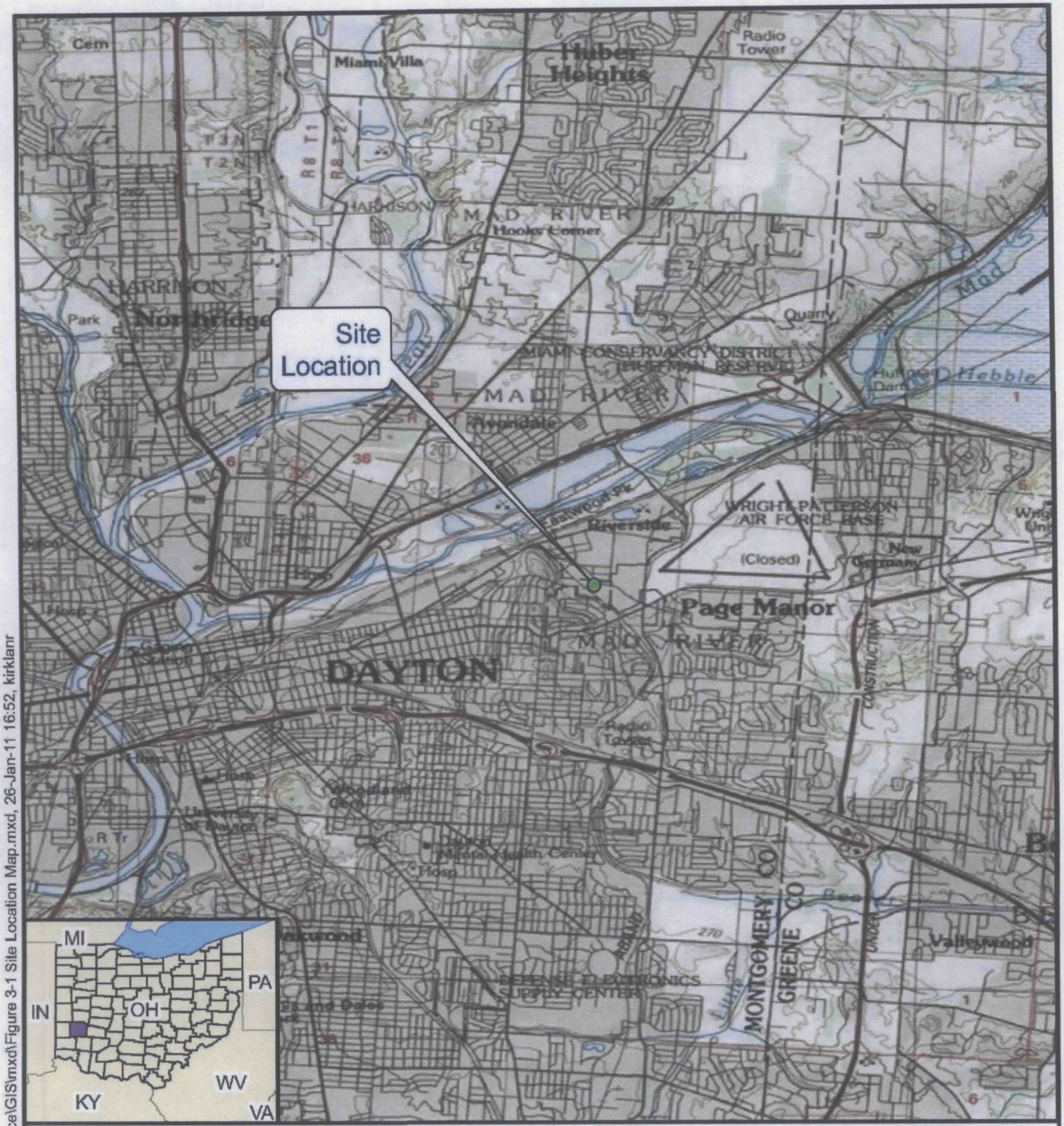
FEBRUARY 2011

(REDACTED 3 PAGES)

ENFORCEMENT CONFIDENTIAL
NOT SUBJECT TO DISCOVERY

FIGURE A-1

SITE LOCATION MAP



File: C:\START Project Files\Multi-Service\GIS\mxd\Figure 3-1 Site Location Map.mxd, 26-Jan-11 16:52, kirklanr

Image Source:
National Geographic Society

N

0 0.5 1 Miles

Prepared for:
U.S. EPA Region 5
Contract No: EP-S5-06-04
TDD No.: S05-0001-1101-003
DCN: 1344-4H-ALIV

Weston Solutions, Inc.
4710-A Interstate Drive
Cincinnati, OH 45246

Figure A-1
Site Location Map
Multi-Service Site
Dayton, Montgomery County, Ohio

FIGURE A-2

SITE LAYOUT MAP

File: C:\START Project Files\Multi-Service\GIS\mxd\Figure 3-2 Site Location Map.mxd, 26-Jan-11 16:45, kirklanr

Legend

Site Boundary

0 130 260 Feet

Prepared for:
U.S. EPA Region 5
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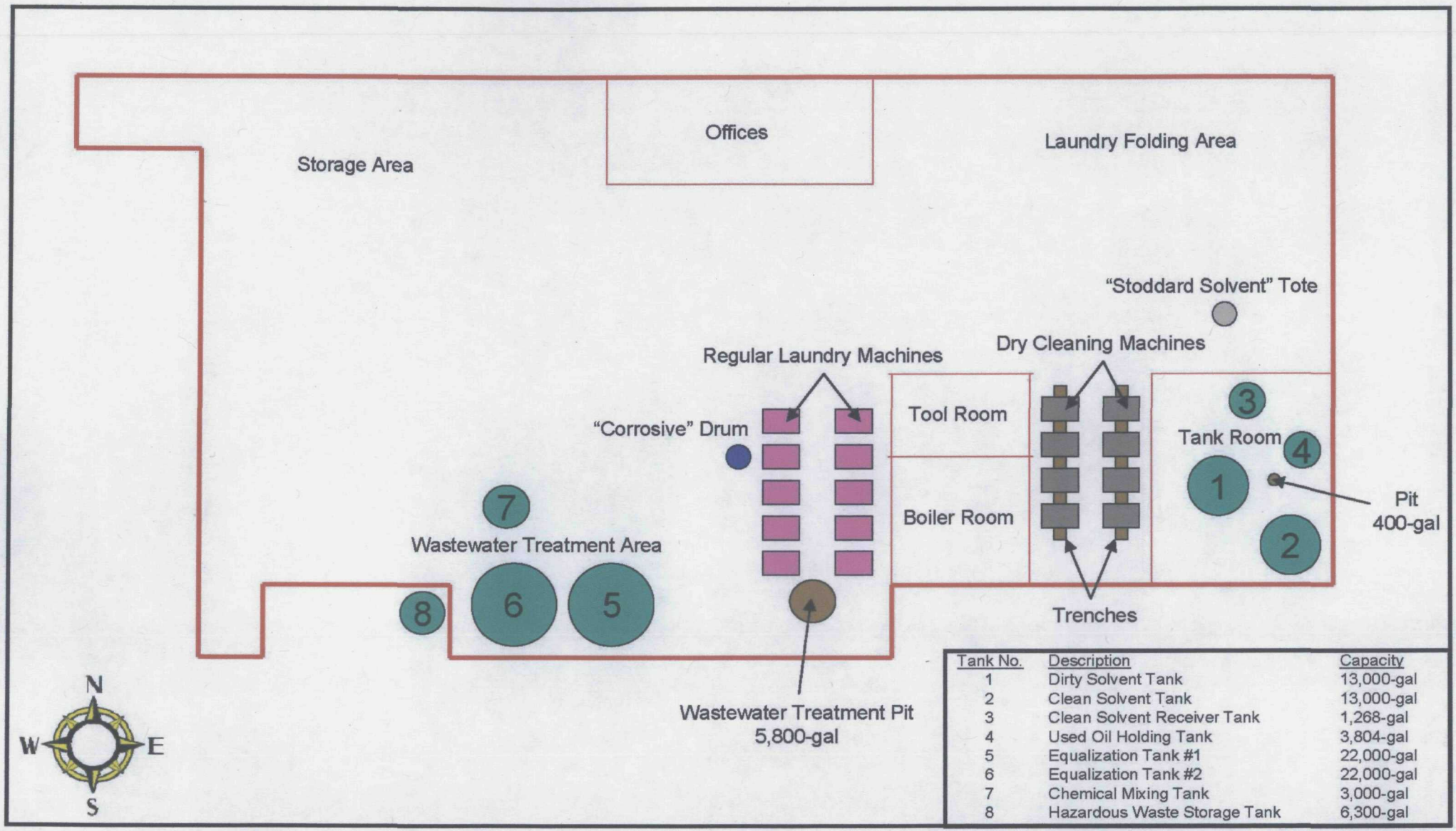
TDD No.: S05-0001-1101-003
DCN: 1344-4H-ALIV

Weston Solutions, Inc.
4710-A Interstate Drive
Cincinnati, OH 45246

Figure A-2
Site Layout Map
Multi-Service Site
Dayton, Montgomery County, Ohio

FIGURE A-3

SITE FEATURES MAP



Tank No.	Description	Capacity
1	Dirty Solvent Tank	13,000-gal
2	Clean Solvent Tank	13,000-gal
3	Clean Solvent Receiver Tank	1,268-gal
4	Used Oil Holding Tank	3,804-gal
5	Equalization Tank #1	22,000-gal
6	Equalization Tank #2	22,000-gal
7	Chemical Mixing Tank	3,000-gal
8	Hazardous Waste Storage Tank	6,300-gal

Figure A-3

Prepared for:
U.S. EPA. REGION V
Contract No: EP-S5-06-04

TDD No.: S05-0001-1101-003

Prepared by:
WESTON SOLUTIONS, INC.
4710-A Interstate Drive
Cincinnati, Ohio 45242

Site Features Map
Multi-Service Site
Dayton, Montgomery County, Ohio
February 9, 2011
Scale: Not to Scale

FIGURE A-4

PHOTOGRAPHIC DOCUMENTATION

Photo 1: View of the front of the Multi-Service facility

Photo 2: Solvent tanks in the Tank Room

Photo 3: Sample Location MS-1 --- 250-gallon tote containing flammable (100°F flash point) "Stoddard Solvent" liquid

Photo 4: Sample Location MS-2 --- Solvent recovery container adjacent to dry cleaning line having a flash point of 110°F

Photo 5: Sludge and debris observed in the trenches located underneath the dry cleaning machines.

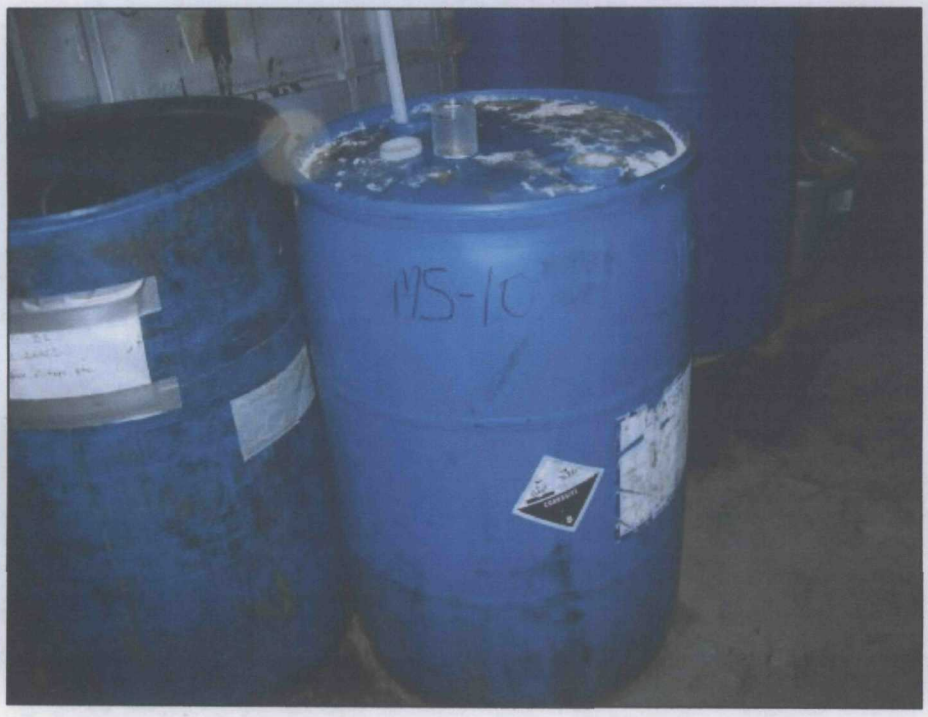


Photo 6: Sample Location MS-10 --- 55-gallon drum with a "Corrosive" label and was documented to have a pH of 13 standard units

Photo 7: Wastewater treatment pit containing liquid and sludge (Ohio EPA sampled and documented TCLP PCE and ignitable hazardous waste

Photo 8: "Hazardous Waste" storage tank

Photo 9: Sample Location MS-7 --- U.S. EPA documented the liquid in this Chemical Mixing Tank having TCLP PCE and ignitable hazardous waste

Photo 10: Overflowing pit containing a mixture of water and solvents in the Tank Room

TABLE B-1

U.S. EPA ANALYTICAL RESULTS
MULTI-SERVICE SITE

Parameter	Regulatory Limit	Sample Designation				
		MS-1	MS-2	MS-3	MS-4	MS-5
Flashpoint (°F)	< 140 °F	**100**	**110**	> 212	**120**	> 212
TCLP VOCs	various	NA	All ND	All ND	All ND	NA
Total VOCs (in µg/L)						
1,2,4-Trimethylbenzene	NRL	NA	92,000	10,000	750,000	NA
1,3,5-Trimethylbenzene	NRL	NA	31,000	3,000	210,000	NA
Ethylbenzene	NRL	NA	13,000	ND (680)	32,000	NA
Isopropylbenzene	NRL	NA	ND (4,200)	ND (420)	22,000	NA
m,p-Xylene	NRL	NA	53,000	ND (730)	140,000	NA
Naphthalene	NRL	NA	49,000	140,000	1,000,000	NA
n-Butylbenzene	NRL	NA	34,000	ND (370)	230,000	NA
n-Propylbenzene	NRL	NA	ND (3,800)	ND (380)	110,000	NA
o-Xylene	NRL	NA	15,000	ND (270)	86,000	NA
p-Isopropyltoluene	NRL	NA	ND (2,000)	ND (200)	31,000	NA
sec-Butylbenzene	NRL	NA	ND (1,600)	ND (160)	25,000	NA
Styrene	NRL	NA	ND (4,900)	ND (490)	47,000	NA
Toluene	NRL	NA	170,000	ND (480)	130,000	NA
pH	Liquid Sample Less than 2.0 or Greater than 12.5	NA	NA	NA	NA	NA
Container type		250-gal tote	Dry cleaning solvent overflow container	Bucket of used oil from tank	Dry cleaning solvent overflow tank	Small metal container
Label Information		Stoddard Solvent	None	Used Oil Tank	None	Cutting Fluid

< = Less than
TCLP = Toxicity Characteristic Leaching Procedure
mg/L = milligrams per liter
µg/L = micrograms per liter
ND = Not detected (method detection limit)
°F = Degrees Fahrenheit
Bolded and Shaded results indicate Regulatory Level exceedances
NA = Not analyzed
NRL = No Regulatory Level

TABLE B-1

U.S. EPA ANALYTICAL RESULTS
MULTI-SERVICE SITE

Parameter	Regulatory Limit	Sample Designation				
		MS-6	MS-7	MS-8	MS-9	MS-10
Flashpoint (°F)	< 140 °F	NA	**140**	NA	NA	NA
TCLP VOCs (in mg/L)						
Tetrachloroethylene (PCE)	0.7	NA	**53**	NA	ND	NA
2-Butanone	200	NA	ND	NA	0.35	NA
Total VOCs (in µg/L)						
1,1,2,2-Tetrachloroethane	NRL	NA		NA	26,000	NA
1,2,4-Trimethylbenzene	NRL	NA	9,700,000	NA	1,300,000	NA
1,3,5-Trimethylbenzene	NRL	NA	3,300,000	NA	430,000	NA
Cis-1,2-Dichloroethene	NRL	NA		NA	11,000	NA
Ethylbenzene	NRL	NA	380,000	NA	86,000	NA
Isopropylbenzene	NRL	NA	400,000	NA	38,000	NA
m,p-Xylene	NRL	NA	1,800,000	NA	350,000	NA
Naphthalene	NRL	NA	600,000	NA	56,000	NA
n-Butylbenzene	NRL	NA	710,000	NA	51,000	NA
n-Propylbenzene	NRL	NA	1,400,000	NA	200,000	NA
o-Xylene	NRL	NA	690,000	NA	150,000	NA
p-Isopropyltoluene	NRL	NA	210,000	NA	46,000	NA
Sec-Butylbenzene	NRL	NA	260,000	NA	ND (5,800)	NA
Styrene	NRL	NA	ND (4,900)	NA	ND (5,900)	NA
Tetrachloroethylene (PCE)	NRL	NA	53,000	NA	ND (5,800)	NA
Toluene	NRL	NA	370,000	NA	310,000	NA
pH	Liquid Sample Less than 2.0 or Greater than 12.5	3.8	NA	12	NA	**13**
Container type		250-gallon tote	Tank	1-liter plastic container	Pit	55-gallon drum
Label Information		Corrosive	Chemical Mix Tank	Sodium Hydroxide	Wastewater Treatment Pit	Corrosive

< = Less than
TCLP = Toxicity Characteristic Leaching Procedure
mg/L = milligrams per liter
µg/L = micrograms per liter
ND = Not detected (method detection limit)
°F = Degrees Fahrenheit
Bolded and Shaded results indicate Regulatory Level exceedances
NA = Not analyzed
NRL = No Regulatory Level

TABLE B-1

U.S. EPA ANALYTICAL RESULTS
MULTI-SERVICE SITE

Parameter	Regulatory Limit	Sample Designation		
		MS-11	MS-12	MS-13
Flashpoint (°F)	< 140 °F	NA	**< 70**	NA
TCLP VOCs	various	NA	NA	All ND
Total VOCs	No Regulatory Limit	NA	NA	NA
pH	Liquid Sample Less than 2.0 or Greater than 12.5	**1.6**	NA	NA
Container type		5-pound Bag	1-liter glass jar	Composite from dry cleaning trenches
Label Information		Citric Acid	No label	No label

< = Less than
TCLP = Toxicity Characteristic Leaching Procedure
mg/L = milligrams per liter
ND = Not detected
°F = Degrees Fahrenheit
Bolded and Shaded results indicate Regulatory Level exceedances
NA = Not analyzed

ATTACHMENT I

DETAILED CLEANUP CONTRACTOR COST ESTIMATE
INDEPENDENT GOVERNMENT CLEANUP CONTRACTOR ESTIMATE

MULTI-SERVICE SITE
DAYTON, MONTGOMERY COUNTY, OHIO
FEBRUARY 2011

The estimated cleanup contractor (ERRS) costs necessary to complete the removal action at the Multi-Service Site are as follows:

Personnel & Equipment	$328,573
Materials/Misc	$83,000
Transportation & Disposal	$750,000
Total	$ 1,161,573
Plus 20% Contingency	$ 232,315
Total ERRS Contractor Costs	**$1,393,888**

ATTACHMENT II

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION

ADMINISTRATIVE RECORD
FOR
MULTI-SERVICE SITE
DAYTON, MONTGOMERY COUNTY, OHIO

ORIGINAL
FEBRUARY 2011

NO.	DATE	AUTHOR	RECIPIENT	TITLE/DESCRIPTION	PAGES
1	09/00/97	ATSDR	File	ToxFAQs Sheet for Tetrachloroethylene CAS #127-18-4	2
2	06/17/09	Altman, C., Ohio EPA	LaMantia, J., Multi-Service, Inc.	Compliance Evaluation Inspection	2
3	07/22/09	Altman, C., Ohio EPA	LaMantia, J., Multi-Service, Inc.	Ongoing Compliance Evaluation Inspection	4
4	10/21/09	Altman, C., Ohio EPA	Enforcement Coordinator, Ohio EPA	Enforcement Referral Package	5
5	03/12/10	Altman, C., Ohio EPA	Ohio EPA Site File	Inspection Notes	6
6	04/02/10	Ball, B., Assistant Attorney General	Brown, D., Brown Law Office	Ohio Attorney General Files Suit Against Multi-Service, Inc.	3
7	05/00/10	Combs, D., Ohio EPA	File	Field Report: Summary of Ohio EPA Tank & Pit Sampling (Including Lab (Data) Conducted on April 22, 2010	42
8	11/23/10	Altman, C., Ohio EPA	Ohio EPA Site File	Inspection Notes	2
9	11/24/10	Dayton Fire Department	Multi-Service, Inc.	Notice of Violation	5
10	01/07/11	Caudill, M., Dayton Fire Department	Renninger, S., U.S. EPA	Dayton Fire Dept. Referral Letter - Request for a Time-Critical Removal Action	40
11	01/24/11	Sarvis, H., Ohio EPA	Durno, M., U.S. EPA	Ohio EPA Referral Letter-Request for a Time-Critical Removal Action	3

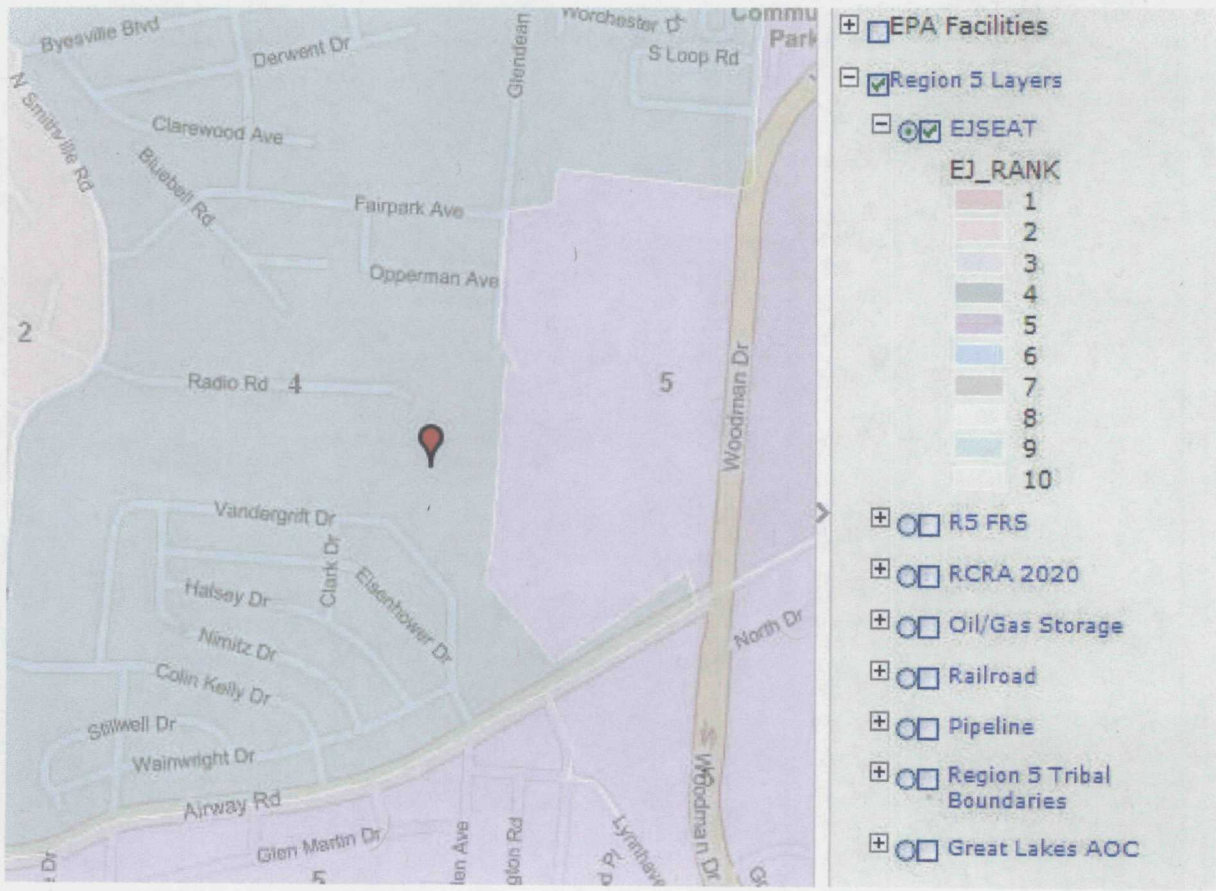
12	02/07/11	Renninger, S., U.S. EPA	Altman, C., Ohio EPA	ARARs Request Letter	2
13	02/00/11	Weston Solutions, Inc.	U.S. EPA	Site Assessment Report	
14	00/00/00	Renninger, S., U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Multi-Service Site **(PENDING)**	

ATTACHMENT III

REGION 5 EJ ANALYSIS

The area surrounding the Multi-Service Site was screened for Environmental Justice (EJ) concerns using Region 5's EJ Assist Tool (which applies the interim version of the national EJ Strategic Enforcement Assessment Tool (EJSEAT)). Census tracts with a score of 1, 2, or 3 are considered to be high-priority potential EJ areas of concern according to EPA Region 5. The Plate Rite Site is in a census tract with a score of **4** (Figure 1). Therefore, Region 5 does not consider this Site to be a high-priority potential EJ area of concern.

Figure 1
Multi-Service Site Map Showing EJ SEAT Values For Surrounding Area



ATTACHMENT 4

INDEPENDENT GOVERNMENT COST ESTIMATE

MULTI-SERVICE SITE
DAYTON, MONTGOMERY COUNTY, OHIO

FEBRUARY 2011

(REDACTED 2 PAGES)

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION